

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MIGUEL A. RODRIGUEZ RODRIGUEZ
ERICA PEREZ RODRIGUEZ

DEBTORS

CASE NO. 11-05769-BKT

CHAPTER 13

MOTION AND NOTICE OF FILING OF POST-CONFIRMATION
MODIFICATION OF CHAPTER 13 PLAN

TO THE HONORABLE COURT:

COME NOW MIGUEL A. RODRIGUEZ RODRIGUEZ and ERICA PEREZ RODRIGUEZ, debtors in the above captioned case through the undersigned attorney, and very respectfully state and pray as follows:

1. The debtors filed for relief under Chapter 13 of the Bankruptcy Code on July 6, 2011.
2. The debtors have been experiencing some economic problems which have caused them to accumulate some post petition arrears with Oriental Bank.
3. Debtors are able again to commence making current payments to the mortgage, and in order to cure the arrears debtors will require the modification of their confirmed Plan. Section 1329 of the Bankruptcy Code 11 U.S.C. §1329 provides for modification of plan after confirmation in a situation such as herein presented by the debtors.
4. Debtors will require the modification of their Plan to cure the arrears. Bankruptcy Code §1329 provide for modification of plan after confirmation in situations such as debtors.

PAGE -2-
11-05769-BKT

WHEREFORE debtors respectfully request the allowance of the requested modification of Plan dated July 23, 2012.

NOTICE

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this notice was sent by the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee; and also certify that I have mailed by United States Postal Service copy of this motion to the following non CM/ECF participants: debtors, Miguel A. Rodriguez Rodriguez and Erica Perez Rodriguez; and to all creditors and parties in interest in the above captioned case.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico this day 23rd of July, 2012.

/s/ Roberto Figueroa Carrasquillo
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Document Page 3 of 4
United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 11-05769-13RODRIGUEZ RODRIGUEZ, MIGUEL ANGEL & PEREZ RODRIGUEZ, ERICAChapter 13

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: 7/23/2012☐ AMENDED PLAN DATED: _____☐ PRE ☒ POST-CONFIRMATIONFiled by: ☐ Debtor ☐ Trustee ☐ Other

I. PAYMENT PLAN SCHEDULE

\$ 250.00 x 24 = \$ 6,000.00
 \$ 335.00 x 27 = \$ 9,045.00
 \$ 650.00 x 9 = \$ 5,850.00
 \$ _____ x _____ = \$ _____
 \$ _____ x _____ = \$ _____

TOTAL: \$ 20,895.00

Additional Payments:

\$ _____ to be paid as a LUMP SUM
 within _____ with proceeds to come from:

☐ Sale of Property identified as follows:☐ Other:

Periodic Payments to be made other than, and in
 addition to the above:

\$ _____ x _____ = \$ _____

PROPOSED BASE: \$ 20,895.00

III. ATTORNEY'S FEES
 (Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee
 Disclosure Statement: \$ 2,874.00

Signed: /s/ MIGUEL ANGEL RODRIGUEZ RODRIGUEZ
 Debtor

/s/ ERICA PEREZ RODRIGUEZ
 Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.☒ Creditors having secured claims will retain their liens and shall be paid as follows:1. ☒ Trustee pays secured ARREARS:Cr. ORIENTAL BANK & Cr. ORIENTAL BANK & Cr.# 61010010131410# Post-Petition 1410\$ 7,297.61\$ 2,397.942. ☒ Trustee pays IN FULL Secured Claims:Cr. MUEBLERIA BERRIC Cr.# 509249903\$ 843.603. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. _____ Cr. _____ Cr. _____

_____ # _____ # _____

\$ _____ \$ _____ \$ _____

4. ☐ Debtor SURRENDERS COLLATERAL to Lien Holder:5. ☐ Other:6. ☒ Debtor otherwise maintains regular payments directly to:ORIENTAL BANK & Cr.

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.1. (a) Class A: ☐ Co-debtor Claims / ☐ Other: _____☐ Paid 100% / ☐ Other: _____

Cr. _____ Cr. _____ Cr. _____

_____ # _____ # _____

\$ _____ \$ _____ \$ _____

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)

Debtor(s) consents to the LIFT of STAY in favor of Banco Bilbao Vizcaya (account no. 1423).

Priority Claim no. 13 (IRS): \$1,132.26.

* "Tax refunds will be devoted each year, as periodic payments, to the plan's funding until plan completion. The plan shall be deemed modified by such amount, without the need of further Court order. The debtor(s) shall seek court's authorization prior any use of funds."

Debtor(s) to provide ADEQUATE PROTECTION PAYMENTS to Mueblerias Berrios thru the Trustee in the sum \$20.00 per month for the next eight months or until confirmation.

*Or as otherwise specified on proof of claim.

Late filed claims filed by creditors will receive no distribution.

"Surrenders collateral": Shares/savings in any Cooperativa/Association/Bank.

Debtor reserves the right to object claims after plan confirmation.

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